

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

IN THE MATTER OF)	
)	
Skarda Flying Service,)	Docket No. FIFRA VI-672C
Inc.,)	
)	
Respondent)	

**ORDER GRANTING MOTION TO DEEM FACTUAL ALLEGATIONS
IN THE COMPLAINT ADMITTED AND GRANTING REQUEST FOR
ACCELERATED DECISION**

By motion dated July 31, 1992, Complainant seeks an order finding that the Respondent, Skarda Flying Service, Inc., has admitted to factual allegations contained in the Complaint. Those admissions, Complainant argues, entitles it to an accelerated decision on the issue of liability.

Based on my review of the Complaint, Answer, and Amended Answer ^{1/}, the Respondent has admitted to all allegations which would serve to establish its liability. Included as part of Respondent's admissions are the following:

Respondent has committed 38 violations of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. Section 136j(a)(1)(A), by using a registered pesticide in a manner inconsistent with its labeling. [See Complaint, Paragraph 20 and Amended Answer, Paragraph 16.]

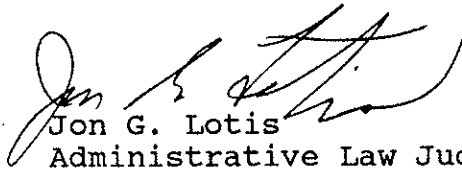
Section 14(a)(2) of FIFRA, 7 U.S.C. Section 1361(a)(2) provides that any applicator who holds or applies registered pesticides, or uses dilutions of registered pesticides, only to provide a service of controlling pests without delivering any unapplied pesticide to any person so served, and who violates any provision of this subchapter (Sections 2 through 31 of FIFRA) may be assessed a civil penalty by the Administrator of not more than \$500 for the first offense nor more than \$1,000 for each subsequent

^{1/} Respondent's Motion For Leave To Amend Its Answer is granted.

offense. [See Complaint, Paragraph 21 and Amended Answer, Paragraph 17.]

Respondent is an applicator who holds or applies registered pesticides, or uses dilutions of registered pesticides, as a service of controlling pests, but does not deliver any unapplied pesticide so served. [See Complaint, Paragraph 22 and Amended Answer, Paragraph 18.]

For good cause shown, Complainant's motion is granted. Respondent is found liable for committing the violations that have been alleged in the Complaint.


Jon G. Lotis
Administrative Law Judge

Dated: May 19, 1993
Washington, D.C.

IN THE MATTER OF SKARDA FLYING SERVICE, INC., Respondent,
Docket No. FIFRA VI-672C

CERTIFICATE OF SERVICE

I certify that the foregoing Order Granting Motion To Deem Factual Allegations In The Complaint Admitted And Granting Request For Accelerated Decision, dated May 19, 1993, was sent in the following manner to the addressees listed below:

Original by Regular Mail to:

Lorena S. Vaughn
Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region VI
1445 Ross Avenue
Dallas, TX 75202-2733

**Copy by Certified Mail, Return
Receipt Requested to:**

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Dated: May 19, 1993
Washington, D.C.